Laws and Ordinances OF WARRE,

Established for the better Conduct OF THE

ARMY:

By *His Excellency* the Earl of

ESSEX,

LORD GENERALL

Of the FORCES raised by the Authority of the PARLIAMENT; For the defence of KING and KINGDOM.

Together with ORDERS established By His Excellency the Lord FAIRFAX, *January* 14. 1646. for regulating the ARMY.

London, Printed in the Yeer 1648.

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ROBERT, EARL OF ESSEX, Viſcount HEREFORD, Lord FERRERS of CHARTLEY, *Boucheir* and *Lovain*.

Captain Generall

Of the ARMY raiſed by the Authority of PARLIAMENT for the defence of KING and KINGDOM.

TO all the Officers of the Army, Colonels, Lieutenant-Colonels, Serjeant-Majors, Captains, other Officers and Souldiers of Horſe and Foot, and all others whom

whom these Laws and Ordinances may concern.

WHich Laws and Ordinances hereby published to all the said Persons respectively and severally, are Required and Commanded to observe and keep, on the Pains and Penalties therein expressed.

Laws

LAWS and ORDINANCES Of WAR.

Of Duties to God.

I.

FIrſt, Let no Man preſume to Blaſpheme the holy and bleſſed Trinity, God the Father, God the Son, and God the Holy Ghoſt; nor the known Articles of our Chriſtian Faith, upon pain to have his Tongue bored with a rod-hot Iron. Blaſphemy.

II.

Unlawfull Oaths and Execrations, and ſcandalous acts in derogation of God's Honour, ſhall be puniſhed with loſſe of Pay, and other puniſhment at diſcretion. Curſing.

III. All

III.

Neglecting Di ine Worſhip.

All thoſe who often and wilfully abſent themſelves from Sermons, and publike Prayer, ſhall be proceeded againſt at diſcretion: And all ſuch who ſhall violate Places of publike Worſhip, ſhall undergoe ſevere Cenſure.

Of Duties in generall.

I.

Intelligence with the Enemy.

ALL ſuch as ſhall practice and entertain Intelligence with the Enemy, by any manner of means or ſlights, and have any communication with them, without direction from the Lord Generall, ſhall be puniſhed as Traytors and Rebels.

II.

Relief of the Enemy.

No Man ſhall relieve the Enemy with Money, Victuals, Ammunition; neither harbour or receive any ſuch, upon pain of death.

III.

Yeelding up of Forts.

If a Town, Caſtle, or Fort be yeelded

yeelded up without the utmost neceſſity, the Governour thereof ſhall be puniſhed with death.

IV.

But if ſo it be, that the Officers & Souldiers of the Garriſon, conſtrain the Governour to yeeld it up: In ſuch a caſe ſhall all the Officers be puniſhed with death, and the common Souldiers who have been active, or have given their conſent in conſtraining the Governour, ſhall caſt lots for the hanging of the tenth man amongſt thē.

V.

And withall to know in what caſe and circumſtances a Governour, and the *Militia* of the Garriſon may be blameleſſe, for the ſurrendring of a Town, Caſtle, or Fort, it is hereby expreſly ſignified; That firſt they are to prove the extremity of want within the place, in ſo much that no eatable proviſion was left them for the ſuſtenance of their lives. Secondly, That no ſuccour or reliefe in any probable wiſe could be hoped for. Thirdly, That nothing elſe could be expected, but that within a ſhort time

the Town, Caſtle, or Fort, with all the Garriſon, and Arms, Ammunition, Magazine, and appurtenances in it, muſt of neceſſity, fall into the hands of the Enemy. Upon proof of which forementioned circumſtances, they may be acquainted in a Counſell of Warre, elſe to be lyable to the puniſhment above expreſſed.

VI.

Careleſſe Service. Whoſoever ſhall be convicted to doe his Dutie negligently and careleſly, ſhall be puniſhed at diſcretion.

VII.

Violating of a Save-guard. Whoſoever ſhall preſume to violate a Save-guard, ſhall dye without mercy.

VIII.

Whoſoever ſhall come from the Enemy, without a Trumpet, or Drum, after the Cuſtome of Warre, or without a Paſſe from *His Excellencie*, within the Quarters of the Army, or within a Garriſon Town, ſhall be hanged up as a Spie.

Of Duties towards Superiours and Commanders.

I.

Violating of the Lord Generall.

WHoſoever ſhall uſe any words tending to the death of the *Lord Generall*, ſhall be puniſhed with death.

II.

Quarlelling with Officers.

No man ſhall preſume to quarrell with his ſuperiour Officer, upon pain of Caſhiering, and Arbitrary puniſhment; nor to ſtrike any ſuch upon paine of death.

III.

Departing from Captains and Maſters.

No Souldier ſhall depart from his Captaine, nor Servant from his Maſter, without licenſe, though he ſerve ſtill in the Army, upon pain of death.

IV.

Silence in the Army.

Every private man or Souldier, upon pain of Impriſonment, ſhall keepe ſilence when the Army is to take Lodging, or when it is Martching, or Imbattallio, ſo as the Officers may be heard, and their Commandments executed.

V.

Reſiſting against Correction.

No man ſhall reſiſt, draw, liſt, or offer to draw, or lift his Weapon againſt any Officer, correcting him orderly, for his defence, upon pain of death.

VI.

Unlawfull Aſſemblies.

No perſon ſhall make any mutenous aſſemblies, or be preſent or aſſiſting thereunto, or in, or by them, demand their pay, upon pain of death.

VII.

Reſiſting of the Provoſt Marſhall?

No man ſhall reſiſt the Provoſt-Marſhall, or any other Officer, in the execution of his Office, or breake priſon, upon pain of death.

VIII.

Seditious words.

None ſhall utter any words of ſedition and uproar, or mutiny, upon pain of death.

IX.

Concealing mutenous ſpeeches.

A heavy puniſhment ſhall be inflicted upon them, who after they have heard mutenous ſpeeches, acquaint not their Commanders with them.

X.

Receiving of Injuries.

Whoſoever ſhall receive any injury, and

and shall take his owne satisfaction, shall be punished by Imprisonment, and as it shall be thought fit by the Marshal-Court: But he that is injured shall be bound, if he doe not forgive the injury, to seeke reparation by complaint to his Captain, or Colonell, or other superiour Officer, and it shall be given him in ample manner.

Of Duties Morrall.

I.

Drunkenneſſe. DRunkenneſſe in an Officer, shall be punished with losſe of Place; in a common Souldier, with such penalties as a Court-Marshall thinke fit.

II.

Unnaturall abuſes. Rapes, Ravishmenrs, unnaturall abuſes, shall be punished with death.

III.

Adultery. Adultery, Fornication, and other dissolute lasciviousneſſe, shall be punished with discretion, according to the quality of the diffence.

IV.

Theft. Theft and Robbery, exceeding the

value of twelve pence, shall be punished with death.

V.

Provocation. No man shall use reproachfull, nor provoking words, or act to any, upon pain of imprisonment, and further punishment, as shall be thought fit to be inflicted upon enemies to discipline and service.

VI.

Seizing upon dead mens goods. No man shall take or spoil the Goods of him that dieth, or is killed in Service, upon paine of restoring double the value, and Arbitrary punishment.

VII.

Murther. Murther shall be expiated with the death of the Murtherer.

Of a Souldiers Duty touching his Arms.

I.

Full Armour. ALL Souldiers coming to their Colours to watch, or to be exercised, shall come fully armed, upon paine of severe correction.

II.

Slovenly Armour. None shall presume to appeare with their

their Arms unfixt, or vndecently kept, upon pain of Arbitrary correction.

III.

If a Trooper shall loſe his Horſe or Hackney, or Foot-man any part of his Arms, by negligence or lewdneſſe, by Dice or Cards, he or they ſhall remain in qualitie of Pioners and Scavengers, till they be furnished with as good as were loſt, at their own charge. Looſing of Horſes and Arms.

IV.

No Souldier ſhall give to pawn, or ſell his Armour, upon pain of impriſonment, and punishment at diſcretion; and whereſoever any Armour ſhall be found ſo ſold or pawned, they ſhall be brought again into the Army. Pawning or ſelling of Armour.

V.

If a Trooper ſhall ſpoyl his Horſe willingly, of purpoſe to be rid of the Service, he ſhall loſe his Horſe, and remain in the Camp for a Pioner. Wilfull ſpoiling of Horſes

VI.

If one borrows Arms of another to paſſe the Muſter withall, the borrower ſhall be rigorouſly punished, and the lender ſhall forfeit his Goods. Borrowed Arms.

VII.

Imbezelling of Ammunition.

VII.

None shall presume to spoyl, sell, or carry away any Ammunition delivered unto him, upon pain of death.

Of Duty in Martching.

Waste and extortion.

I.

NOne in their Martch thorow the Counties shall waste, spoyl, or extort any Victuals, Money, or pawn, from any Subject, upon any pretence of want whatsoever, upon pain of death.

Taking of Horses out of the Plow.

II.

No Souldier shall presume, upon no occasion whatsoever, to take a Horse out of the Plow, or to wrong the Husbandmen in their person, or Cattell, or Goods, upon pain of death.

Stragling from the Colours.

III.

No Souldiers, either Horse or Foot, shall presume in Martching to straggle from his Troop or Company, or to Martch out of his rank, upon pain of death.

Spoyling of Trees.

IV.

No Souldier shall presume, in Martching

ing or Lodging, to cut down any fruit-trees, or to deface, or ſpoil Walks of trees, upon pain of ſevere puniſhment.

Of Duties in the Camp and Garriſon.

I.

NO man ſhall depart a mile out of the Army or Camp without licenſe, upon pain of death. Swerving from the Camp.

II.

No man ſhall enter, or go out of the Army, but by ordinary wayes, upon pain of death. Going in or out by wayes.

III.

No man ſhall preſume to draw his Sword without Order, after the Watch is ſet, upon pain of death. Drawing of Swords after ſetting the Watch.

IV.

No man ſhall give a falſe Alarum, or diſcharge a Piece in the night, or make any noiſe without lawfull cauſe, upon pain of death. Giving a falſe Alarum.

V.

No man ſhall draw any Sword in a private quarrell within the Camp, upon pain of death. Drawing Swords in a quarrell.

VI.

Revealing the Watch-word.

He that makes known the Watch-word without Order, or gives any other word but what is given by the Officers, ſhall dye for it.

VII.

Offering violence to Victuallers.

No man ſhall do violence to any that brings Victuals to the Camp, upon pain of death.

VIII.

Speaking with the Enemies Meſſengers.

None ſpeak with a Drum or Trumpet, or any other ſent by the Enemy, without Order, upon pain of puniſhment at diſcretion.

IX.

A Sentinel aſleep, or drunk.

A Sentinel or Perdue found aſleep, or drunk, or forſaking their place before they be drawn off, ſhall dye for the offence, without mercy.

X.

Failing at the Rendezvouz.

No man ſhall fail wilfully to come to the Rendezvouz or Garriſon appointed him by the *Lord Generall*, upon pain of death.

XI.

Remaining unrolled in the Army.

No man that carrieth Arms, and pretends to be a Souldier, ſhall remain three dayes

dayes in the Army without being enrolled in ſome company, upon pain of death.

XII.

No man that is enrolled, ſhall depart from the Army or Garriſon, or from his Colours, without Licenſe, upon pain of death. Deparing without leave.

XIII.

No private Souldier ſhall out ſtay his Paſſe, without a Certificate of the occaſion, under the hand of a Magiſtrate at the next Muſter, upon pain of loſing his Pay, during all the time of his abſence. Out ſtaying a Paſſe.

XIV.

He that abſents himſelf when the ſign is given to ſet the Watch, ſhall be puniſhed at diſcretion, either with Bread and Water in Priſon, or with the Woodden Horſe. Abſenting from the Watch.

XV.

Whoſoever ſhall expreſſe his diſcontent with his Quarter given him in the Camp, or Garriſon, ſhall be puniſhed as a Mutineer. Diſcontented with their Quarters.

XVI.

No Officer, of what quality ſoever, ſhall go out of the Quarter to Dinner or Lying or Supping out of the Quarters.

Supper, or lye out all night, without making his ſuperiour Officer acquainted, upon pain of cashiering.

XVII.

Keeping of the Quarters clean.

Al Officers whoſe charge it is, shal ſee the Quarters kept clean and ſweet, upon pain of ſevere puniſhment.

XVIII.

Letting of Horſes feed in ſown grounds.

None ſhall preſume to let their Horſes feed in ſown Grounds whatſoever, or to endamage the Husbandman any way, upon ſevereſt punishment.

XIX.

Whoſoever shall in his Quarter, abuſe, beat, fright his Landlord, or any Perſon elſe in the Family, or shall extort Money or Victuals, by violence from them, ſhall be proceeded againſt as a Mutineer, and an enemy to Diſcipline.

Of Duties in Action.

I.

Repairing to the Colours upon an Alarum.

NO man ſhall fail immediately to repair unto his Colours (except he be impotent by Lameneſſe or Sickneſſe) when an Alarum is given, upon pain of death.

II.

II.

No man ſhall abandon his Colours, or flye away in Battail, upon pain of death. Flying.

III.

If a Pike man throw away his Pike, or a Musketteer his Musket or Bandileer, he or they ſhall be puniſhed with death. Flinging away Arms.

IV.

No man ſhall burn any Houſe or Barn, be it of friend or foe, or wilfully ſpoyl any Corn, Hay, or Straw, or Stacks in the fields, or any Ship, Boat, Carriage, or any thing that may ſerve for the Proviſion of the Army without order, upon pain of death. Burning and waſting.

V.

None ſhall kill an enemy who yeelds, and throws down his Arms. Killing an Enemy who yeelds.

VI.

None ſhall ſave a man who hath his offenſive Arms in his hands, upon pain of loſing his Priſoner. Saving of men armed with offenſive Arms.

VII.

Whoſoever in skirmiſh ſhall fling away his Powder out of his Bandileers, that he may the ſooner come off, ſhall be puniſhed with death. Flinging away Powder.

VIII.

Imbezelling of the Prey.

No Souldier shall imbezzel any part of the prey till it be disposed of by the *Lord Generall*, or others authorized, upon pain of death.

IX.

Concealing of Prisoners.

No Officer or Souldier shall ransom, or conceal a Prisoner, but within twelve hours shall make the same known to the *Lord Generall*, or others authorized, upon pain of death.

X.

Pillaging without license.

No man upon any good Successe, shall fall a pilaging before license, or a sign given, upon pain of death.

XI.

Retreating before handy-blowes.

A Regiment or Company of Horse or Foot, that chargeth the Enemy, and retreats before they come to handy-strokes, shall answer it before a Councell of War; and if the fault be found in the Officers, they shall be banished the Camp; if in the Souldiers, then every tenth man shall be punished at discretion, and the rest serve for Pioners and Scavengers, till a worthy exploit take off that Blot.

Of the Duties of Commanders and Officers in particular.

I.

ALL Commanders are straightly charged to see Almighty God reverently served, and Sermons and Prayers duely frequented.

Commanders must see God duly served.

II.

All Commanders and Officers that finde any of discontented humors, apt to mutenize, or any swerving from direction given, or from the policy of the Army set down, shall straightway acquaint the *Lord General* therewith, or others authorized, as they will answer their neglect.

Commanders must acquaint my Lord Generall with dangerous humours.

III.

Any Officer that shall presume to defraud the Souldiers of their pay, or any part of it, shall be cashiered.

Defraud of Souldiers Pay

IV.

No Corporal, or other Officer commanding the Watch, shall willingly suffer a Souldier to go forth to a Duel, or private Fight, upon pain of death.

Stopping of Duellers.

V.

What Officer soever shall come drunk to

Drunken and quarrelsome Officers.

to his Guard, or ſhall quarrell in the Quarter, or commit any diſorder, ſhall be caſhiered without mercy; and the next Officer under him ſhall have his Place, which he may pretend to be his right, and it ſhall not be refuſed to him.

VI.

Careleſſe Captains.

A Captain that is careleſſe in the Training and Governing of his Company, ſhall be diſplaced of his Charge.

VII.

Officers outſtaying their Paſſe.

All Captains or Officers that ſhall outſtay their Paſſe, ſhall be puniſhed at the Lord Generals deſcretion.

VIII.

All Officers bound to part quarrels.

All Officers, of what condition ſoever, ſhal have power to part quarrels and frays, or ſodain diſorders betwixt the Souldiers, though it be in any other Regiment or Company, and to commit the diſordered to Priſon for the preſent, until ſuch Officers as they belong unto are acquainted with it: And what Souldier ſoever ſhal reſiſt, diſobey, or draw his Sword againſt ſuch an Officer (although he be no Officer of his Regiment or Company) ſhal be puniſhed with death.

IX.

IX. A Captain or Officer non-reſident in the place aſſigned him for Garriſon without licenſe, ſhall have one Moneths pay defaulted for the firſt Offence, and two Moneths for the ſecond: upon the third Offence he ſhall be diſcharged of his command. Officers non-reſident in Garriſon.

X. After the Army is come to the generall Rendevouz, no Captaine ſhall caſhier any Souldier that is enrolled, without ſpeciall Warrant of the *Lord Generall.* Caſhiering of Souldiers.

XI. No Captain or Officer of a Troop or Company, ſhall preſent in Muſters, any but reall Troopers and Souldiers, ſuch as by their pay are bound to follow their Colours, upon pain of caſhiering without mercy. And if any Victualler, Freebooter, Enterloper, or Souldier whatſoever, of any Troop or Company, ſhall preſent himſelfe, or his Horſe in the Muſter, to miſlead the Muſter-Maſter, and to betray the Service, the ſame ſhall be puniſhed with death. Muſtering of falſ and counterfeit Troops

XII. No Provider, Keeper, or Officer of Victuall or Ammunition, ſhall imbezell or ſpoyl any part thereof, or give any falſe Commiſſaries of Victuals and Ammunition muſt be true.

account to the *Lord Generall*, upon pain of death.

Of the Duty of Muſter-Maſters.

Muſter-Maſters coniving at counterfeits

I. NO Muſter-Maſter muſt wittingly let any paſſe in the Muſters, but ſuch as are really of the Troop or Company preſented, upon pain of death.

Captains muſt ſend a Roll of their men to the Lord Generall.

II. All Captaines ſhall cauſe their Troops or Companies to be full and compleat; and two dayes after the Generall Muſtering, they ſhall ſend to the *Lord Generall* a perfect Liſt or Roll of all the Officers of their Troops and Companies, and likewiſe of all the Troopers and Souldiers that are in actuall Service, putting down diſtinctly on the head of each man his Monethly Pay.

Every Pay-day.

III. The like Roll or Liſt ſhall the Captains ſend to the *Lord Generall*, and to the Treaſurer of the Army upon every Pay-day, during the Service, with a punctuall expreſſion at the bottome of the ſaid Roll, what new Troopers or Souldiers have been entertained ſince the laſt Pay-

Pay-day, in lieu of ſuch as are either deceaſed or caſhiered, and likewiſe the day whereon they were ſo caſhiered and entertained.

IV. Which ſaid Liſt or Roll ſhall be ſubſcribed, not onely by the Captain and his Lieutenant and Coronet or Enſigne, but alſo by the Serjeants and Corporals reſpectively, who ſhall declare upon their Oath, that the Troopers aud Souldiers enrolled in the ſaid Liſt, are reall and actuall Troopers and Souldiers of the reſpective Troops and Companies. And whoſoever ſhall be convicted of falſhood in any of the Premiſes, ſhall be caſhiered.

Subſcribed by al the Officers of the Troop or Company.

V. No Muſter-Maſter ſhall preſume to receive or accept of any Roll to make the Muſters by, but the forementioned Rols, upon pain of the loſſe of his place, and other puniſhment at diſcretion.

Muſter-Maſters muſt uſe no other Rols.

VI. No man ſhall preſume to preſent himſelfe to the Muſter, or to be inrolled in the Muſter-Rolls by a counterfeit name, or ſurname, or place of birth, upon paine of death.

Counterfeit names in the Rolls.

Of Victuallers.

Victuallers issuing naughty Victuals.

I. NO Victuallers shall presume to issue or sell unto any of the Army, unsound, unsavoury, or unwholesome Victuals upon pain of imprisonment, and further Arbitrary punishment.

No Souldier must be a Victualler.

II. No Souldier shall be a Victualler without the consent of the *Lord Generall*, or others authorized upon pain of punishment at discretion.

Unseasonable hours kept by Victuallers.

III. No Victualler shall entertain any Souldiers in his House, Tent, or Hutt, after the Warning-piece at night, or before the beating of the *Ravalee* in the morning.

IV. No Victualler shall forestall any Victuals, nor sell them before they be appraised by the Marshall Generall, upon severe punishment.

Of Administration of Justice.

Summary proceedings.

I. ALL controversies between Souldiers and their Captains, and all others, shall be summarily heard and determined by the Councell of Warre, except the

the weightineſſe of the cauſe require further deliberation.

II. All Officers and others who ſhall ſend up any Priſoners unto the Marſhall Generall of the Army; ſhall likewiſe deliver unto the Marſhall, the cauſe and reaſon of the Impriſonment: And without ſuch cauſe and reaſon ſhown, the Marſhall is expreſly forbid to take charge of the Priſoner. The Provoſt Marſhal muſt look to his Priſoner.

III. When a Priſoner is committed to the charge of the Marſhall Generall, The information of the Crime which he ſtandeth committed for, is to be given in to the Advocate of the Army, within 48. hours, after the commitment; or elſe, for default thereof, the Priſoner to be releaſed, except good cauſe be ſhown; wherefore the Information cannot be ready within that time.

IV. The Goods of ſuch as dye in the Army or Garriſon, or be ſlain in the ſervice, if they make any Will by word or writing, ſhall be diſpoſed of according to their Will. If they make no Will, then ſhall goe to their Wives, or next Kin. If Goods of the deſtinct.

no Wife or Kindred appear within a yeere after, ſhall be diſpoſed of by the appointment of the *Lord Generall*, according to the Laws Civill and Military.

Civill Magiſtrates impriſoning Souldiers.

V. No Magiſtrate of Towne or Countrey, ſhall without Licenſe impriſon any Souldier, unleſſe for capitall Offences.

For debts and other ſmall offences.

VI. In matters of debts or treſpaſſe, or other inferiour caſes, the Magiſtrate ſhall acquaint his Captaine, or other chiefe Officer therewith, who is to end the matter with the conſent of the complainant, or to leave the Party grieved to take his remedy by due courſe of Law: And if the Officer faile of his dutie therein, the *Lord Generall* upon complaint of the party grieved, will not onely ſee him righted, but the Officer puniſhed for his neglect in this behalfe.

Braving the Court of Juſtice.

VII. No man ſhall preſume to uſe any braving or menacing words, ſignes, or geſtures, while the Court of Juſtice is ſiting, upon paine of death.

Receiving of Run-awayes.

VIII. No Inhabitant of City, Town, or Countrey, ſhall preſume to receive any Souldier into his ſervice, or conceal, or uſe

means

means to convey ſuch Run-awayes, but ſhall apprehend all ſuch, and deliver them to the Provoſt Marſhall.

IX. All Captains, Officers, and Souldiers ſhall doe their endeavours to detect, apprehend, and bring to puniſhment all Offenders, and ſhall aſſiſt the Officers of the Army for that purpoſe, as they will anſwer their ſlackneſſe in the Marſhals Court. Detecting of Offenders.

X. If the Marſhall ſhall diſmiſſe without Authority, any Priſoner committed unto his charge, or ſuffer him to make an eſcape, he ſhall be lyable to the ſame puniſhment due unto the diſmiſſed or eſcaped offendour.

XI. All other Faults, Diſorders, and Offences not mentioned in theſe Articles, ſhal be punished according to the general Cuſtomes and Laws of Warre. Offences whatſoever to be puniſhed by the Laws of Warre.

AND to the end that theſe Laws and Ordinances be made more publike and known, as well to the Officers, as to the common Souldiers, every Colonell and Captaine is to provide ſome of theſe Books, *and*

to

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to cauſe them to be forthwith diſtinctly and audibly read in every ſeverall Regiment, by the reſpective Marſhals in preſence of all the Officers : In the Horſe Quarters by ſound of Trumpet ; and amongſt the Foot by beat of Drum. And weekely afterwards, upon the Pay day, every Captaine is to cauſe the ſame to be read to his owne Company, in preſence of his Officers. And alſo upon every main Guard, the Captaine is to doe the like, that none may be ignorant of the Laws and Duties required by them.

of

ORDERS

Eſtabliſhed *January* 14. 1646.

By his Excellency

The Lord Fairfax,

For Regulating the

ARMY.

AND

For the Soldiers paying of Quarters, and fair behavior in the Countries.

Together with ſeverall Letters from His EXCELLENCY to the Committees and Juſtices of Peace of the ſeverall Counties, to put the ſaid ORDERS in execution.

Publiſhed by ſpecial Command from His Excellency.

London, Printed, 1648.

ORDERS

Established January 14, 1646.

By his Excellency

The Lord Fairfax

For Regulating the

ARMY.

AND

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Together with severall Letters from His EXCELLENCY, to the Committees and Justices of Peace of the severall Counties, [illegible]

Published by Special Command from His Excellency.

London, Printed, 1648.

At a Counsell of War held at *Northampton* the 14th. of *January*, 1646.

Orders set down and agreed upon, to be presented to the General for the better regulating of the Army in discharging of Quarters, and otherwise.

I.

That all Members of this Army from the fourth of this instant *January*, for such time as they have or shall have Pay, and Orders to discharge their Quarters, shal pay for the same at the severall rates hereunder expressed, except they can in any particular finde themselves or their Horses cheaper. And above these respective rates, non shal be compelable to pay, until the Counsel of War, or Superior Authority shall give other order; but at these rates the respective Landlords are to finde those that are or shall be duly quartered upon them, and at these rates every one shall discharg his Quarters weekly, and at their remove shal make even for any odde dayes lesse then a Week.

The Rates to be as followeth, *viz.*

Each Trooper mounted, to pay for his Dyet, and Hay for one Horſe, Ten pence *per diem.*

A Trooper unmounted, for Diet, Six pence *per diem*

A Dragooner mounted, for Diet and Hay, Nine pence *per diem.*

A Dragooner unmounted, for Diet Five pence *per diem.*

Officers of Horſe or Dragoons not in Commiſſion, *viz.* Trumpeters, and Corporals of Horſe, Sergeants of Dragoons, and Chyrurgions Mates, Sadlers and Farriers of Horſe, and all Servants of Horſe-Officers, to pay the ſame rates as Troopers.

Drummers and Corporals of Dragoons, and Dragoon-Officers Men, to pay the ſame rates as Dragoons.

Each Gentleman of the Life-Guard, to pay for his own and his Servants Diet, Sixteen pence *per diem.*

He that hath no Servant, to pay for his own Diet Twelve pence *per diem.*

Gentlemen of Captain *Knights* Troop, for their own Diet Nine pence *per diem.*

For their Men, as Troopers.

All that have Horſes, to pay for Provinder (unleſſe they can buy cheaper) at Six pence *per* Peck.

Each Foot Soldiers, as alſo Corporals and Drummers of Foot, Four pence *per diem.*

Sergeants of Foot, Six pence *per diem.*

All Commiſſion-Officers of Horſe, Foot and Dragoons, to pay for Diet, as they can agree with their Landlords.

II. That

II. That al Soldiers and Officers shal content themselvs with such ordinary Diet, as those with whom they Quarter usually offord themselves and their Families, or as may be afforded for the respective rates aforesaid: And if any shall otherwise inforce, or attempt to inforce his Landlord to provide Dainties, or extraordinary Diet (not affordable as before) upon complaint thereof to the next Superior Officer in Commission, such Officer shall compose the businesse betwixt the Quarterer and the Landlord, and cause the Quarterer to rest satisfied with such reasonable Diet as before, or otherwise shall punish him, or secure, and send him to be punished by a Court of War, as there shal be cause: and this the Officer is not to neglect at his own perill of being responsall himself if further Complaint be made. And if any Landlord shall refuse to admit or entertain such as are duly quartered upon him, the Captain or chiefe Officer present with the Troop or Company, shall send some Commission-Officer with such assistance as shall be needful to cause the Quarterer to be received into, & setled in his Quarter, with as much quietnesse as may be. And if any Landlord shall be refractory or obstinate, in not entertaining or supplying with necessary Quarters, those that are duly quartered upon him; the chief Officer present with the Troop or Company (if he cannot otherwise compose the businesse between the Landlord and the Quarterer) shall send such obstinate refuser to the chief Officer present with the Regiment or Brigade; who shall (if there be cause) transmit him to the Generall, either in safe Custody, or otherwise with respect to his quality, to answer his contempt.

III. That

III. That if any Soldier or Officer not in Commission, shall refuse or neglect to discharge his Quarters at the said rates (except as before excepted) upon complaint thereof from his Landlord to the next Commission-Officer of the Troop or Company, such Commission-Officer shall cause the neglecter to pay the double of what he should have paid; *viz.* To the Landlord the full sum due for his Quarters, with one moiety of the penalty into the hands of the Cornet or Ensign, for the common use of the Troop or Company, to be disposed of for that purpose, at the discretion of the Captain; and if upon such complaint, such Commission-Officer do not cause the Soldier to make present payment to his Landlord, at the rates due as aforesaid for his Quarters, or secure and send the obstinate refuser to the Martiall Generall, to be punished by a Court of War (such Commission-Officer, upon the Landlords complaint to his Superior Officer, or to a Counsell of War) shall pay to the Landlord out of his own purse, the full double of what was due from the Soldier, besides satisfaction for the Landlords necessary costs and charges of prosecution, and the Soldier to pay besides, both for his Quarters, and the penalty as aforesaid.

IV. If any Commission-Officer shal refuse or neglect to discharge his own Quarters as aforesaid, upon like complaint to his Superior-Office, the said rule and penalty as before, to hold both as to the neglecter or refuser, & to the Superior Officer complained unto.

V. That each Soldier and Officer, immediately upon

upon his coming into any new Quarter, ſhall give true notice of his Name and Sirname to his Landlord, or the chief of the Family (unleſſe it be expreſt in his Ticket) under pain of forfeiting a dayes Pay to his Landlord, if it be not done within twelve hours after his coming in, unleſſe he remove ſooner; and if any Troop or Company lye ſtill for three days or more in any Quarter, the chief Officer preſent with the Troop or Company, ſhall before their remove, cauſe ſome truſty Officer to ſee that each Landlord (through the whole Quarter) have the true Names of his Quarterers, and of the Troop or Company and the Regiment. 19

Orders for prevention or redreſſe of Abuſes in Generall.

I.

THat if any Commiſſion-Officer be complained unto for any abuſe, injury or diſorder, committed by any Soldier or inferior Officer under his command, ſhall not without delay, doe his beſt endeavor to finde out both the Offence and the Offender, and to ſecure, and bring him to puniſhment or Tryal, or (if the offence be a private injury to a Countrey-man) ſhall not cauſe preſent redreſſe or ſatisfaction to the injured, ſo far as is in his power; ſuch Officer, upon information from the Country-man to his Superiour Officer, or otherwiſe (ſo as his neglect come to the cog-

cognizance of a Counsell of War) shall be culpable for his neglect either to the losse of place, or otherwise, according to the degree and quality of his neglect; and if the businesse were of private damage or injury to the Country-man, then to the making of satisfaction out of his own purse, if by his neglect the Offender cannot afterwards be known or produced.

II. That every Commission-Officer (upon notice from the Committee or any Justice of Peace of the Country where he Quarters, concerning any complaint brought in against any Soldier or Officer under his command, for any Offence or injury to a Country-man, or abuse to the Countrey, and of a certain day and place assigned for the appearance of both Parties, and their Witnesses, before the Committee or the said Justice) shall cause the party complained of (with what Witnesses he may have for his defence) to appear accordingly; and shall goe himself, or else some other Commission-Officer in his room, to attend the said Committee or Justice of Peace, at the time and place so assigned; and upon the appearance, he or the other Officer sent in his room, shall be assistant to the said Committee or Justice of Peace, in hearing both Parties what they can alleage, and taking the Examinations, both of the Parties and Witnesses on both sides; and if thereupon the party complained of appear culpable, and the Offence such, as that the said Committee or Justice, with the Officer assisting him, cannot well award private satisfaction therein to the Complainant or persons agrieved,

agrieved, or present punishment to the offender, but that it need or deserve a more publique triall; Then the said Commission-Officer to joyn with the Committee or Justice to certifie the whole Examinations and Evidence in the cafe unto the General, and to provide a Messenger for conveyance thereof, unlesse the Committee or Justice will send the same some other way; And the said Officer is from thenceforth to secure the Offender, to be sent for further triall, either to the Head-Quarter of the Army, or of the Brigade whereof he is a Member, as the Generall shall thereupon direct.

III. No Member of the Army shall by threats or otherwise, deter any from complaining, or from prosecution of the complaints, or shall offer any violence, or put any burthen, injury or wilfull prejudice upon any for complaining, under pain of cashiering, with losse of Arrears, or further punishment, as the matter of the injury or violence will bear.

I doe approve, ratifie and confirm these Orders of the Counsell of War: And doe hereby require all Officers, Souldiers, and Members of the Army under my command, duely to ob-

serve the same: And all Field-Officers, Captains, and others, in their severall charges, to see that they be published unto all under their respive commands, as other the Articles and Laws of War. Given under my Hand at Northampton, *the eighteenth day of* January, 1646.

T. FAIRFAX.

The

The Generals LETTER sent with the ARTICLES unto the Committees and Justices of the severall *Counties*.

Gentlemen,

HAving with the advice of a Counsel of War set down Rules and Orders for the future discharge of Quarters, as also for the better prevention and redresse of any disorders of the Souldiery; I have here sent unto you Copies of those Orders, and doe desire your speedy care, that they may be made known thorowout your County, that all may take notice what they are to expect from the Soldiery, and what lyes upon themselves for prevention or redresse of any injury done to them from the Soldier. I desire also, That every Justice of Peace residing in your County, may have a severall Copy of the Orders. And for the yet more assured satisfaction of Quarters, I shall adde this (which also I desire may be imparted to each Justice of Peace, and made known through the County) That if, notwithstanding these strict Rules and Penalties, any one shall presume to shift away, leaving his Quarters not discharged according to these Orders, I desire the Committee, or any Justice of Peace in the County, would take Information thereof from the parties so injured (with the Testimony upon Oath of some person beside himselfe) ex-

pressing what sum is so left unpaid, and by what Soldier or Officer, or of what Troop, or Company and Regiment, and the same to certifie in particular unto me (your selves keeping a Copy or Abstract of them) and I shall thereunpon cause the Money to be deducted double out of the respective Soldiers, or Officers next Pay, and the same due to be returned to the Committees for their respective Landlords; or if the Landlord himselfe will prosecute the Complaint before a Court of War, he shall be sure to finde the effect of the Orders inclosed, both as to satisfaction for his Quarters, with the double penalty, and also for his charges of prosecution. Lastly, as to the time for which Quarters are to be paid, you may take notice, that the whole Army hath lately received Pay, and Command to discharge Quarters from the Fourth of this instant *January* forwards: And if future want of Pay shall necessitate the discontinuance while any of the Army Quarters in your County, you shall have notice thereof. I remain,

Northampton, Jan. 1646. *Your very assured Friend,*

T. FAIRFAX.

To the Committees and Justices of Peace of the County of

22

Another Letter from the Generall to the Committees and Justices of Peace of the Counties where any of the Army is Quartered, for prevention or redress of disorders and abuses in generall.

Gentlemen,

YOu may perceive in the Orders I herewith send you, what provision is made, That no Countrey-man (upon any abuse or disorder of Soldiers) needs be afraid to complain to their Officers, nor doubt much of present redresse through their hands; or, if he fail thereof (through the Officers connivance or neglect) he needs but remember what Officer he complained unto, and th' Officer shall be responsall for the Offence: But farther, if the Countrey-man finde not redress in that course, or be yet fearful to go that way, I shall be content that he make his complaint to you, or (for his yet more ease) to the next Justice of Peace: And doe desire, That the Justice would take the Information, and assigning a day for both parties, with their Witnesses, to appear before him) would in writing under his Hand, give notice thereof, and of the Offenders Name, to the next Commission-Officer, having command over him, and upon the appearance, would, with such Officers assistance, hear both parties, take their Allegations, and Examine upon Oath the

Witneſſes on each ſide, and if thereupon the party complained of appear culpable, and the Offence ſuch as that the Juſtice and Officer aſſiſting cannot well end it by award (to the preſent ſatisfaction of the agrieved, or puniſhment of the Offender) but that it need or deſerve a more publique Tryall, That then the Juſtice, with the Officer (or the Juſtice alone, if the Officer refuſe to joyn) would certifie the whole Examinations and Evidence, and ſend the ſame, ſealed up, either unto me, or to the chiefe Commander of the Brigade quartering in the Countrey, who ſhall thereupon order a Court of War to proceed to more publique Tryall and Cenſure of the buſineſſe, without farther trouble of Witneſſe to the Complainant, if that Evidence be full and clear: And to this purpoſe (as you will finde in the Orders) all Officers are directed to obſerve and comply with the Committee, or any Juſtice of Peace herein, and to furniſh Meſſengers for conveyance of what ſhall be ſo certified, unleſſe your ſelves or the Juſtice will otherwiſe ſend it. And this alſo I deſire may be ſpeedily imparted to each Juſtice and made known to the Countrey.

Northampton,
Jan. 19. 1646.

Your aſſured Friend
to ſerve you,

T. FAIRFAX.

At a Counsell of WAR held at *Northampton* the 14th. of *January*, 1646.

ORDERS

Agreed upon, to be presented to the Generall, for the regulating of the ARMY in Quartering, to prevent excessive charges to the Countrey therein, or unreasonable defalkations from the pay of the ARMY to discharge the same.

I. THat no Soldiers or Officers shall be Billered upon any Lands where there is no House, nor upon any House where there is not House-keeping, either by a Master or Mistris of a Family, or by their Children, Servants, or others by their appointment, or sufficient accommodations for quartering either Horse or Man, but all shall be quartered upon Housholders, where they may be accommodated according to their number, and their respective conditions of Horse or Foot.

II. That

II. That every Soldier and Officer ſhall be aſſigned to ſome certain Houſholder or Houſe where there is ſuch Houſe-keeping as before; and no Soldier or Officer ſhall have more then one Houſholder aſſigned for his Quarter at one time, nor ſhall have any other appointed as contributory or aſſigning Quarters, except it be one place for himſelfe, and another for his Horſe; or (being an Officer or Gentleman) one for himſelfe, and another for his Servants and Horſes; and this only by due, particular and certain Aſſignment.

III. That no Soldier or Officer (being ſo aſſigned to a certain Quarter) ſhall for hire of Money or Reward, remove from ſuch his Quarter to quarter elſewhere, under pain of Impriſonment, and further puniſhment by a Counſell of Warre.

IV. That no Soldier or Officer ſhall exact or accept any Money, or any other Alowance at all from his Landlord, or any other for him, in lieu of Quarter, upon pain of caſhiering, and reſtore the double of what is ſo taken.

I doe approve, ratifie, and confirme theſe Orders of the Counſell of War: And doe hereby require all Officers and Soldiers of the Army under my Command, duely to obſerve the ſame: And all Field-Officers, Captains, and others in their ſeverall Charges, to ſee that they be publiſhed unto all under their reſpective Commands, as other the Articles and Laws of War. Given under my hand at Northampton *the* 19. *day of* January, 1646.

T. FAIRFAX.

24

The Draught of another LETTER sent to the Committees of the severall Counties, incloſing the leſſe Orders, *viz.* For regulating of Quarters.

Gentlemen,

WHereas upon the Aſſigment of a Quarter to any Troop or Company, the Inhabitants (looking upon it as a charge, no way to be repaid, and therefore to be equally borne by all that hold any thing within the Aſſigument chargeable to a Tax) do uſe accordingly to diſtribute the Soldiers unto all, after the rate of ſuch a Tax, without regard to conveniences for Quartering, whereby it happens that perſons not provided for Quartering (or not for the number charged upon them) are put to hire the Quartering of them at Innes or Alehouſes, or elſe to hire the Souldiers to quarter themſelves, (the like to which is uſually done where two or more Inhabitants are charged but with one Soldier) and that in either caſe at ſuch exceſsive rates, as the Pay of the Soldier would not bear: Which courſe muſt needs bring either an un-

unreasonable burden upon those people (if such charges should never be repaid) or unreasonable defalcations from the Pay of the Soldier, when the charge of quartering shall be satisfied (if at the Rates so paid.) Now since it is certainly intended, and provided, that all quarters of the Army, shall from henceforth be paid (at the rates allowed) either in ready Money by the Soldiers themselves, or by abatement thereof out of the Taxes for the Army (wherein all will at last come to beare their shares for what they hold.) The Generall therefore (with the advice of a Councell of War) hath set down certain Rules (to prevent such inconveniences in the distribution of quarters) whereof I have here, by his appointment, sent you a Copy, and thought good, for your and the Countries better satisfaction, thus to let you understand something of the grounds,

Northampton the 19. of
January, 1646. Your humble Servant,

H. Ireton.

The Lord FAIRFAX,

Commander in chiefe of the Forces raised by the PARLIAMENT.

To all Colonels, and other Officers of the ARMY under my command.

For the better regulating of the Army, and prevention, or redresse of abuses therein; I doe hereby Order and Declare, as followeth:

I. THat all Officers within fourteen dayes after the date hereof, shall repair to their respective charges in the Army, upon pain of being liable to lose their places for neglect, at the judgement of a Counsell of War.

II. That no Officer under the same pain as aforesaid, shall hereafter depart or absent himselfe from his said charge for above the space of 24. hours, unlesse in attendance at the Head-quarter of the Army or Brigade, without such leave in writing, as is hereafter expressed, *viz.*

The inferior Officer of any Troop or Company to have leave under the hand of the Captain, or chief Officer present with the Troop or Company: The Cap-

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Captain or such chief Officer present to have like leave from the Field Officer, or chief Commander present with the Regiment: Field-Officers, or the chiefe present with Regiments, to have like leave from the chief of the Brigade, or from a generall Officer in command over him.

III. That no Captain, Field-Officer, or chief present with any Troop, Company or Brigade, shall have power to give leave to any Commission-Officer under their respective commands to be absent for above the space of ten dayes; neither shall it be lawfull for any Commission-Officer, by vertue of any such leave as before expressed, to be absent above the said space of ten dayes, withovt leave under my own hand, or under the hand of the Major Generall, or Lievt. Generall, vnder the same pain as before.

And these Orders, I require to be forthwith upon receipt published, to each Troop and Company or Regiment, by their respective chief Officers present, and to be thenceforth duly observed. Given under my hand and Seal the 19. day of January, 1646.

T. FAIRFAX.

FINIS.